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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/909,615	07/20/2001	Matthew Kenyon Kellogg	KELM-1-1003	2317

26389 7590 05/25/2004

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EXAMINER

HUYNH, KHOA D

ART UNIT PAPER NUMBER

3751

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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25315 7590 08/19/2003

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EXAMINER

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DATE MAILED: 08/19/2003

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Office Action Summary

Application No.

09/909,615

Applicant(s)

KELLOGG, MATTHEW KENYON

Examiner

Khoa D. Huynh

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3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the mounting structure is mounted a space distance from the motor must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-21 and 26-30, as presently understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Vogel (2898902).

Regarding claim 16, the Vogel reference discloses an apparatus for supplying additives to lubricating system of an internal combustion engine. The apparatus includes a motor (about 121) and a lubricating system (Figs. 1-3). The lubricating system further includes a mounting structure (at 20) having a first coupling structure (at 42, 41, 46), a storage container (at 30) and a fluid transfer device (see notation in Fig. 1). The container also includes a second couple

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structure (about 48) that cooperatively engages with the first coupling structure (Fig. 2).

Regarding claim 17, as seen in Figure 4, the mounting structure is mounted a space distance from the motor.

Regarding claim 18, also as seen in Figure 4, the mounting structure is mounted to the motor via element 120 which is an interconnecting part of the motor.

Regarding claims 19-21, the container, of course, has an opening (about reference 32) which is currently being sealed by a safety seal (foil or membrane) to prevent stored fluid from spilling. The fluid transfer device further includes a sealing unit (about 28) that is removably attached to and sealed the opening of the container (Fig. 1).

Regarding claim 26, the Vogel reference discloses an apparatus for supplying lubrication in combination with an internal combustion engine (Fig. 4). The apparatus includes a motor (about 121), a fluid chamber (about 130), a mounting structure (at 20) having a first engagement surface (at 41,46) and a disposable lubrication storage container (at 30) defining a second engagement surface (about 48) that configures to mate with the first coupling structure (Fig. 2).

Regarding claim 27, the mounting structure includes a locking arm (about 41,46) that defines the first engagement surface, and the container includes a

locking recess (when element 46 pierced a hole in element 48 as shown in Figure 2) that defines the second engagement surface.

Regarding claim 28, the Vogel reference discloses an apparatus for supplying additives to lubricating system of an internal combustion engine. The apparatus includes a power generation means (about 121), a lubrication storage container (at 30) and an interface structure (see notation in Fig. 1). As shown in Figure 4, the lubrication is transfer between the storage container and the power generation means.

Regarding claim 29 and 30, the apparatus also includes a mounting structure (at 20) and means (about 42,41,46,48) for plugging the container into the mounting structure.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 22-25, as presently understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vogel (as discussed above).

Regarding claim 22, even though the Vogel reference does not specifically disclose that the safety seal is made from a metallic foil material as claimed, it, however, would have been obvious to one of ordinary skill in the art at the time the invention was made to employed such material for the Vogel safety seal.

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Doing so would be considered a mere choice of a preferred material (metallic foil is strong enough to be used as a cover but, yet soft enough to allow piercing) on the basis of its suitability for the intended use.

Regarding claim 23, as shown in Figure 1, the fluid transfer unit also includes a puncturing device (at 54).

Regarding claim 24, although not specifically discloses, the mounting structure of Vogel is capable of being used as a heat shield to prevent the container from coming into contact with a heated surface of the vehicle.

Regarding claim 25, although not specifically discloses, the mounting structure of Vogel is also capable of being used to dampens vibration by translating the vibrating motion through its mounting screws, bolts and gasket bushing (especially since applicant also admitted in the instant specification, page 6, lines 15-17, that any fastening device such as screws, bolts... with any know damping structure can be used).

Response to Amendment

6. Applicant's amendment, filed on 07/31/03, to the pending claims is insufficient to distinguish the claimed invention from the cited prior art or overcome the rejections as discussed above.

Response to Arguments

7. Applicant's arguments with respect to new claims 16-30 have been considered but are moot in view of the new grounds of rejections as discussed above.

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Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. White and Payne et al. were cited to show a lubrication injector for a combustion engine. Mowrer et al. was cited to show a lubrication injector for a bicycle chain.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (703) 306-5483. The examiner can normally be reached on M-F (7:00-4:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Khoa D. Huynh
Patent Examiner
Art Unit 3751

HK
August 13, 2003



GREGORY L. HUSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700